

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

MARK TYRONE JOHNSON, #126082, §  
§  
Petitioner, §  
§  
v. § Case No. 6:20-cv-81-JDK-KNM  
§  
DIRECTOR, TDCJ-CID, §  
§  
Respondent. §

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Petitioner Mark Johnson, proceeding pro se, filed this federal petition for a writ of habeas corpus challenging his Smith County conviction. The petition was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition. Before the Court is Petitioner's motion for judgment on the pleadings (Docket No. 15).

On April 14, 2021, Judge Mitchell issued a Report recommending that the Court deny Petitioner's motion. Docket No. 17. A copy of this Report was mailed to Petitioner. However, to date, Petitioner has not filed objections.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc),

*superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).*

Here, Petitioner did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 17) as the findings of this Court. Petitioner's motion for judgment on the pleadings (Docket No. 15) is hereby **DENIED**.

So **ORDERED** and **SIGNED** this 11th day of May, 2021.



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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE